

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs  
Administration**

**49 CFR Part 172**

[Docket No. HM-145F; Amdt. Nos. 171-90  
and 172-108]

**Hazardous Substances**

**AGENCY:** Research and Special Programs  
Administration (RSPA), Department of  
Transportation (DOT).

**ACTION:** Amendment to the final rule.

**SUMMARY:** This document amends the  
final rule published on November 21,

1986 (51 FR 42174, Amendment Nos. 171-90 and 172-108) and amended December 24, 1986 (51 FR 46672) and February 17, 1987 (52 FR 4824). This amendment suspends application of the requirements for certain hazardous substances which are listed in this amendment until such time as the Environmental Protection Agency (EPA) publishes a final rule under its Docket No. SW H-FRL 3122-8 for those hazardous substances. In addition, this revision provides an optional shipping name, "ORM-E, liquid or solid, n.o.s.", for hazardous substances which are presently required to be described by the generic shipping name, "Hazardous substance, liquid or solid, n.o.s." The effect of this action is to relieve shippers of some of the burden associated with complying with new requirements for hazardous substances.

**EFFECTIVE DATES:** Effective October 27, 1987; the effective date for Amendment No. 172-108 (51 FR 42174, 51 FR 46672, 52 FR 4824) is suspended for each hazardous substance in the Appendix to § 172.101 which EPA has proposed to increase the reportable quantity (RQ) from one pound to a higher amount under EPA Docket No. SW H-FRL 3122-8 (52 FR 8140, March 16, 1987). These substances are specified in this document. After EPA publishes final RQs for these substances under EPA Docket SW H-FRL 3122-8, RSPA will determine an appropriate effective date for these substances and this date will be published in the Federal Register. (2) Except as provided in (1) above, the effective dates of the requirements adopted under Amendment Nos. 171-90 and 172-108 remain as stated in 51 FR 46672; however, the effective date of the optional shipping name adopted herein is November 24, 1987. (3) Notwithstanding the effective dates set forth above, immediate compliance is authorized. (4) The provisions of 49 CFR 172.101(j) do not apply to Amendment No. 172-108.

**FOR FURTHER INFORMATION CONTACT:** Lee Jackson, (202) 368-4488 or George Cushmac (202) 368-4545, Office of Hazardous Materials Transportation, RSPA, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** On November 21, 1986, RSPA published a final rule which amended the Hazardous Materials Regulations (HMR) by incorporating into the HMR, as hazardous materials, all substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This action was necessary to comply with the Superfund

# Amendments and Reauthorization Act of 1986.

On March 16, 1987, EPA published a proposed rule which contained reportable quantity adjustments for a number of materials which presently have statutory RQs of one pound. In that document, EPA Proposed to increase the RQ for the following substances.

List of CERCLA hazardous substances for which the EPA has proposed to increase the reportable quantity (RQ) from one pound to a higher amount under EPA Docket No. SW H-FRL 3122-8 (52 FR 8140):

Hazardous substance	Statutory RQ	Proposed RQ
2-Acetylaminofluorene .....	(1)	10
Amitrole .....	(1)	10
Auramine .....	(1)	100
Azaserone .....	(1)	10
3,4-Benzacridine .....	(1)	10
Benz(a)anthracene .....	(1)	10
Benzo(k)fluoranthene .....	(1)	5,000
Beryllium .....	(1)	10
alpha-BHC .....	(1)	10
2,2'-Bioxirane .....	(1)	10
Bis(2-chloroethyl) ether .....	(1)	10
Bis(chloromethyl) ether .....	(1)	10
Bis(2-ethylhexyl) phthalate .....	(1)	100
Cadmium .....	(1)	10
Chloral .....	(1)	5,000
Chlorambucil .....	(1)	10
Chloromethazine .....	(1)	100
4-Chloro-o-toluidine, hydrochloride .....	(1)	100
Chloromethyl methyl ether .....	(1)	10
Chrysene .....	(1)	10
Cyclophosphamide .....	(1)	10
Daunomycin .....	(1)	10
Diallate .....	(1)	100
Dibenz(a,h)pyrene .....	(1)	10
1,2-Dibromo-3-chloropropane .....	(1)	10
Dihydroxatrole .....	(1)	10
3,3'-Dimethoxybenzidine .....	(1)	100
Dimethyl sulfate .....	(1)	100
3,3'-Dimethylbenzidine .....	(1)	100
1,1-Dimethylhydrazine .....	(1)	10
Dimethylnitrosamine .....	(1)	10
1,4-Dioxane .....	(1)	100
1,2-Diphenylhydrazine .....	(1)	10
Di-n-propylnitrosamine .....	(1)	10
2-Ethoxyethanol .....	(1)	1,000
Ethyl carbamate (Urethane) .....	(1)	100
Ethyl 4,4'-dichlorobenzilate .....	(1)	10
Ethylene oxide .....	(1)	10
Ethylene thiourea .....	(1)	10
Glycidylaldehyde .....	(1)	10
Guanidine, N-nitroso-N-methyl-N'-nitro .....	(1)	10
Hexachlorobenzene .....	(1)	10
Hexachlorocyclopentadiene .....	(1)	10
Hexachloroethane .....	(1)	100
Hydrazine, 1,2-diethyl .....	(1)	10
Ideno[1,2,3-cd]pyrene .....	(1)	100
Isosafrole .....	(1)	100
Lasiocarpine .....	(1)	10
Lead phosphate .....	(1)	10
Lead subacetate .....	(1)	100
Methyl chloride .....	(1)	100
Methyl iodide .....	(1)	100
2-Methylaziridine .....	(1)	10
3-Methylcholanthrene .....	(1)	10
4,4'-Methylenebis(2-chloroaniline) .....	(1)	10
Methylthiouracil .....	(1)	10
Mitomycin C .....	(1)	10
alpha-Naphthylamine .....	(1)	100
beta-Naphthylamine .....	(1)	10
Nickel carbonyl .....	(1)	10
Nickel cyanide .....	(1)	10
N-Nitrosodi-n-butylamine .....	(1)	10
N-Nitroso-N-ethylurea .....	(1)	10
N-Nitrosomethylvinylamine .....	(1)	10
N-Nitrosopiperidine .....	(1)	10
5-Nitro-o-toluidine .....	(1)	100
Parathion .....	1	10
Pentachloroethane .....	(1)	10
Pentachloronitrobenzene .....	(1)	100
Phenacetin .....	(1)	100
Propane, 2-nitro .....	(1)	10
1,3-Propane sultone .....	(1)	10
Saccharin and salts .....	(1)	100
Safrole .....	(1)	100
Selenium disulfide .....	(1)	10
1,1,1,2-Tetrachloroethane .....	(1)	100
1,1,2,2-Tetrachloroethane .....	(1)	100
Tetrachloroethane .....	(1)	100
Thioacetamide .....	(1)	10
Thiourea .....	(1)	10
Toluenediamine .....	(1)	10
o-Toluidine .....	(1)	100
p-Toluidine .....	(1)	100
o-Toluidine hydrochloride .....	(1)	100
1,1,2-Trichloroethane .....	(1)	100
Tris(2,3-dibromopropyl) phosphate .....	(1)	10
Trypan blue .....	(1)	10
Uracil mustard .....	(1)	10
Vinyl chloride .....	(1)	10
F001 .....	(1)	10
F002 .....	(1)	100
K009: Distillation bottoms from the production of acetaldehyde from ethylene .....	(1)	10
K010: Distillation side cuts from the production of acetaldehyde from ethylene .....	(1)	10
K011: Bottom stream from the wastewater stripper in the production of acrylonitrile .....	(1)	10
K013: Bottom stream from the acetonitrile column in the production of acrylonitrile .....	(1)	10
K017: Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin .....	(1)	10
K019: Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production .....	(1)	10

Hazardous substance	Statutory RQ	Proposed RQ	Hazardous substance	Statutory RQ	Proposed RQ
K020: Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (Components of this waste are identical with those of K019, immediately preceding.)	(1)	10	K096: Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane	(1)	10
K021: Aqueous spent antimony catalyst waste from fluoromethanes production	(1)	10	K099: Untreated wastewater from the production of 2,4-D	(1)	10
K025: Distillation bottoms from the production of nitrobenzene by the nitration of benzene	(1)	10	K104: Combined wastewater streams generated from nitrobenzene/aniline chlorobenzenes	(1)	10
K027: Centrifuge and distillation residues from toluene diisocyanate production	(1)	10	K105: Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes	(1)	10
K028: Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane	(1)	10	K111: Product washwaters from the production of dinitrotoluene via nitration of toluene	(1)	10
K029: Waste from the product steam stripper in the production of 1,1,1-trichloroethane	(1)	10	K112: Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K032: Wastewater treatment sludge from the production of chlordane	(1)	10	K113: Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K033: Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane	(1)	10	K114: Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K034: Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane	(1)	10	K115: Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K038: Wastewater from the washing and stripping of phorate production	(1)	10	K116: Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine	(1)	10
K040: Wastewater treatment sludge from the production of phorate. (Components of this waste are identical with those of K038, above.)	(1)	10			
K042: Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T	(1)	10	<sup>1</sup> Indicates that the 1-pound statutory RQ is a CERCLA statutory RQ. RSPA believes that the RQ adjustments proposed by EPA should be finalized before Amendment No. 172-108 becomes mandatory, even though the July 1, 1987 effective date has passed. Accordingly, element (1) of the effective date statement of this preamble modifies the effective date statement in the final rule published on December 24, 1986 (51 FR 46672).		
K043: 2,6-Dichlorophenol waste from the production of 2,4-D	(1)	10	By petition dated December 22, 1986, and supplemented June 5, 1987, the Calorie Control Council petitioned RSPA for relief from the provisions of the final rule which apply to saccharin and for delay of the effective date of the rule until July 1, 1987. Although the petition was denied for reasons not germane to this discussion, it identified a problem		
K073: Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production	(1)	10			
K085: Distillation or fractionation column bottoms from the production of chlorobenzenes	(1)	10			
K095: Distillation bottoms from the production of 1,1,1-trichloroethane	(1)	100			

that RSPA is correcting in this revision. Specifically, the new requirements for describing hazardous substances require that previously unregulated materials, such as saccharin, other food additives and consumer commodities, be described on shipping papers and on packages under the proper shipping name "Hazardous substance, liquid or solid, n.o.s.". Due to the connotations associated with the term "hazardous substance", the requirement to identify hazardous substances on shipping papers and on packages using this proper shipping name has an adverse and potentially severe impact on the use and marketability of products intended for consumer consumption. To alleviate this problem, RSPA is authorizing in this revision use of an optional shipping description, "ORM-E, liquid or solid, n.o.s.". This shipping description does not have the negative connotations which are associated with "hazardous substance" and is adequate, when used in conjunction with other description requirements in Part 172, for identifying and reporting hazardous substance discharges, especially those hazardous substances which only fall within the ORM-E hazard class. The ORM-E (i.e., Other Regulated Materials, category E) hazard class consists of hazardous substances and hazardous wastes which do not satisfy any other DOT hazard class such as flammable liquid, corrosive material, or Poison B. The shipping name "ORM-E, liquid or solid, n.o.s." will provide relief for those shippers reluctant to use "Hazardous substance, liquid or solid, n.o.s." as a shipping description. Since the shipping description "ORM-E, liquid or solid, n.o.s." is optional, rather than a replacement shipping description for "Hazardous substance, liquid or solid, n.o.s.", no additional requirements will be imposed on shippers electing to use the latter description.

#### Administrative Notices

This rule provides relief from a regulatory requirement, imposes no new regulatory requirements, and does not change the classification of hazardous materials. Therefore, I find, under 5 U.S.C. 553, that notice and public procedure on the rule are unnecessary and contrary to the public interest.

The RSPA has determined that this amendment (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) will not require an environmental impact statement under

the National Environmental Policy Act (40 U.S.C. 4321 *et seq.*). A regulatory evaluation is not considered necessary because the anticipated impact is minimal. Based on limited information concerning the size and nature of entities likely affected, I certify that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 49 CFR Part 172**

Hazardous materials transportation.  
Hazardous substances.

In consideration of the foregoing, 49 CFR Part 172 is amended as follows:

**PART 172—HAZARDOUS MATERIALS  
TABLE AND HAZARDOUS MATERIALS  
COMMUNICATIONS REGULATIONS**

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805 and 1808; Pub. L. 99-499; and 49 CFR Part 1, unless otherwise noted.

**§ 172.101 [Amended]**

2. In § 172.101, Column 2 of the Hazardous Materials Table is amended as follows:

a. The proper shipping name entry, "Hazardous substance, liquid *or* solid, n.o.s.", is changed to "Hazardous substance, liquid *or* solid, n.o.s. *or* ORM-E, liquid *or* solid, n.o.s.".

b. The cross reference, "ORM-E, liquid *or* solid, n.o.s. *See* Hazardous substance, liquid *or* solid, n.o.s." is added in proper alphabetical sequence.

3. In the appendix to § 172.101, the effective date of the hazardous substances listed in the preamble to this document is suspended until further notice.

Issued in Washington, DC on Oct. 20, 1987  
under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,  
*Administrator, Research and Special  
Programs Administration.*

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